

REMARKS

Summary of the Office Action

Claims 1-5, 8-17 and 19-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0100 086 to Eales.

Claims 6-7, 18-19 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Claims 1 and 14 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, claims 1-24 are presently pending.

Clarification Request

Because claim 19 is both objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and rejected under 35 U.S.C. § 102(b), the status of claim 19 is not clear. Applicants respectfully request clarification on the status of claim 19.

All Claims Comply With 35 U.S.C. § 102(b)

Claims 1-5, 8-17 and 19-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0100 086 to Eales. To the extent the Examiner considers this rejection to apply to newly amended independent claims 1 and 13, it is traversed as being based on a reference that neither describes nor suggests the novel combination of features now recited in amended independent claims 1 and 13. Claim 1 now recites, amongst other features, “a fiber seal for hermetically sealing the optical fiber directly to the sealing ferrule.” In addition, claim 13 now recites, amongst other features, “hermetically sealing the front end of the sealing ferrule directly to a portion of the stripped length protruding from the front end of the sealing ferrule.”

In contrast to the present invention, Eales discloses at lines 15-20 on page 7 that a fiber is metallised for a subsequent soldering to form a hermetic seal to an end section 63. Applicants respectfully submit that Eales does not teach or suggest the feature of directly sealing a fiber. Instead, Eales teaches an intervening metallization layer on the fiber so that the metallization layer is sealed to an end section using solder. Accordingly, Applicants respectfully submit that Eales does not teach or suggest “a fiber seal for hermetically sealing the optical fiber directly to the sealing ferrule” or “hermetically sealing the front end of the sealing ferrule directly to a portion of the stripped length protruding from the front end of the sealing ferrule.”

Applicants respectfully assert that Eales does not teach each and every feature recited in claim 1. For example, Eales does not teach or suggest a sealing ferrule, as recited in claim 1. In another example, Eales does not teach or suggest ferrule seal, as recited in claim 1. If this

rejection is to be maintained, Applicants respectfully request an explanation as to how at least these features are anticipated by Eales.

Applicants also respectfully assert that the Office Action is incorrect in applying Eales to claim 1. For example, the Office Action states at page 2 that Eales discloses “a ferrule sealing 68 located in the outer sleeve.” Applicants respectfully assert that the so called ferrule sealing 68 of Eales is not in the so called outer sleeve 61 of Eales. Fig. 6 of Eales clearly shows that element 68 is on the outside of element 61. If this rejection is to be maintained, Applicants respectfully request an explanation as to how element 68 of Eales can be seen as in element 61 of Eales.

Another example of the Office Action incorrectly applying Eales is the statement in the Office Action on page 2 that “Earle’s (sic) device discloses the aforementioned limitations including the use of ceramic or glass used (sic) as sealing material, the ferrule sealing comprising solder or glass (see pages 1-2).” Applicants have reviewed all of Eales. Applicants respectfully submit, as discussed above, that Eales is directed toward sealing a metallised fiber with solder. There is no teaching or suggestion in Eales for using a glass sealing material. If this rejection is to be maintained, Applicants respectfully request an explanation as to how and where Eales teaches or suggests a glass sealing material.

The Office Action states at page 3 that Eales fails to disclose the method of providing the fiber tail, as recited to claims 13-17 and 19-24. In other words, the Office Action itself establishes that claims 13-17 and 19-24 are not anticipated by Eales. However, the Office Action goes on to allege on some basis that because the method of providing the fiber tail is

germane to the issue of patentability by itself, patentable weight is not given to these claims.

Applicants respectfully submit that this holding in the Office Action violates 37 C.F.R. § 1.104

(c). If this basis for the rejection is to be maintained, Applicants respectfully request a citation of statute or rule that the Examiner is relying upon as basis in this instance to determine what is germane to the issue of patentability.

At least for these reasons, Applicants respectfully submit that Eales does not anticipate the features recited in newly-amended claims 1 and 13. Further, dependent claims 2-12 and 14-24 are allowable at least because of their dependence on their respective independent claims, and for the additional features that they recite. Thus, Applicants respectfully request that the 35 U.S.C. § 102(b) rejection be withdrawn.

CONCLUSION

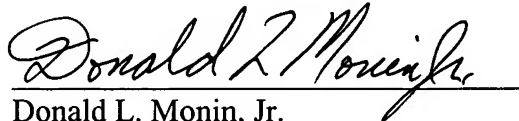
In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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